

Service Date: November 8, 2001

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

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IN THE MATTER of)	UTILITY DIVISION
Montana Power Company's Annual)	
Avoided Cost Compliance Filing –)	DOCKET NO. D2001.7.100
Schedule Nos. QFLT-1 and STPP-1)	ORDER NO. 6379a

PROTECTIVE ORDER

On October 26, 2001 Montana Power Company (MPC) filed a Motion for Protective Order to govern certain information expected to be filed in this docket. As MPC describes it, confidential information may include “market-based coal cost information that is part of the workpapers originally filed in support of the compliance filing and that will be filed in response to certain data requests.” In addition, other information supplied over the course of this docket, not able to be specifically identified at this time, may require protection.

The Montana Public Service Commission (Commission) determines that information identified in MPC's motion, as well as other information not identified at this time, could be confidential and subject to protection from public disclosure pursuant to Montana law. Such information, designated proprietary by the provider and filed on yellow paper pursuant to ARM 38.2.5015, will be protected by this Order and ARM 38.2.5010. Therefore, the Commission grants MPC's motion and hereby orders that information submitted in accordance with this Order be treated as “confidential information” under the terms of this Order and ARM 38.2.5001-5030 (available on the web at [http://psc.state.mt.us/pdf/ Sub_50_Protective_orders.pdf](http://psc.state.mt.us/pdf/Sub_50_Protective_orders.pdf)).

DONE AND DATED this 6th day of November, 2001, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

GARY FELAND, Chairman

JAY STOVALL, Vice Chairman

BOB ANDERSON, Commissioner

MATT BRAINARD, Commissioner

BOB ROWE, Commissioner

ATTEST:

Rhonda J. Simmons
Commission Secretary

(SEAL)

NOTE: There is no reconsideration of this order. There is a procedure to challenge the provider's claim of confidentiality. See ARM 38.2.5008. Reconsideration of a denial of a protective order is available in accordance with ARM 38.2.4806.

Nondisclosure Agreement

ARM 38.2.5012

Docket No. D2001.7.100

Order No. 6379a

Order Action Date 11/6/01

I understand that in my capacity as counsel or expert witness for a party to this proceeding before the commission, or as a person otherwise lawfully so entitled, I may be called upon to access, review, and analyze information which is protected as confidential information. I have reviewed ARM 38.2.5001 through 38.2.5030 (commission rules applicable to protection of confidential information) and protective orders governing the protected information that I am entitled to receive.* I fully understand, and agree to comply with and be bound by, the terms and conditions thereof. I will neither use nor disclose confidential information except for lawful purposes in accordance with the governing protective order and ARM 38.2.5001 through 38.2.5030 so long as such information remains protected.

I understand that this nondisclosure agreement may be copied and distributed to any person having an interest in it and that it may be retained at the offices of the provider, commission, consumer counsel, any party and may be further and freely distributed.

Typed or Printed Name

Signature

Date of Signature

Business Address:

Employer

Party Represented

*These rules are available on the web at http://psc.state.mt.us/pdf/Sub_50_Protective_orders.pdf).